

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JEREMIAH BOURGEOIS,

Plaintiff,

v.

HON. PAULA CASEY,

Defendant.

Case No. C06-5592FDB

ORDER TO SHOW CAUSE

This matter was recently reassigned to the undersigned judge after its initial assignment to the Magistrate Judge. The Magistrate Judge issued a show cause order requiring the plaintiff to show cause why this action should not be dismissed prior to service for failure to state a claim, as Plaintiff has sued a Thurston County Superior Court Judge seeking declaratory and injunctive relief. Judges are absolutely immune from damages for judicial acts taken within the jurisdiction of their courts. *Ashelman v. Pope*, 793 F.2d 1072, 1075 (9th Cir. 1986), and a United States District Court has no jurisdiction to issue a mandamus to compel action by a state official. *See* 28 U.S.C. § 1361, which gives this Court jurisdiction over mandamus actions only to compel officers of the United States to perform their duties.

ACCORDINGLY,

ORDER - 1

1 **IT IS ORDERED:** Plaintiff shall show cause on or before **February 2, 2007** why this action
2 should not be **DISMISSED PRIOR TO SERVICE FOR FAILURE TO STATE A CLAIM.**

3 The Clerk is directed to send a copy of this Order to Plaintiff and to note this matter for
4 **February 2, 2007.**

5 DATED this 22nd day of January, 2007.

6
7 

8 FRANKLIN D. BURGESS
9 UNITED STATES DISTRICT JUDGE
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26